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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Charles F. Irwin

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SUITE 206  
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EXAMINER

BOYCE, ANDRE D

ART UNIT

PAPER NUMBER

3623

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/822,103	<b>Applicant(s)</b> IRWIN, CHARLES F.	
	<b>Examiner</b> Andre Boyce	<b>Art Unit</b> 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2010 and 07 December 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-15 and 17-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-15 and 17-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Amendment***

1. This Final office action is in response to Applicant's amendments filed 11/19/10 and 12/7/10. Claims 1 and 11 have been amended, while claims 24-34 have been added. Claims 1-5, 7-15 and 17-34 are pending.
2. Applicant's arguments filed 11/19/10 and 12/7/10 have been fully considered but they are not persuasive.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-5, 7-15 and 17-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wojcik et al (USPN 5,666,493), in view of Duncan (US 6,934,692).

As per claim 1, Wojcik et al disclose in a process for effectuating the making of pick-up or delivery appointments for aggregated shipments comprised of one or more orders of goods from multiple shippers between two or more buyers and sellers and optionally their third party providers (buyers, sellers and third party providers collectively called Partners) in a supply community (i.e., delivery process for managing inbound and outbound movement of goods, column 7, lines 41-43, including order consolidation, column 9, lines 1-38), which includes one or more ship locations from which goods are picked up or to which goods are delivered in aggregated shipments (i.e., customers and distribution centers and carriers,

column 7, lines 44-45, including order consolidation, column 9, lines 1-38), the process including: receiving from the one or more Partners appointment reservation requests for pick-up and/or delivery of aggregated shipments at any of said one or more ship locations; and outputting a refusal or acceptance of appointment reservation requests submitted to any of said one or more ship locations (i.e., scheduled appointment necessarily indicates an appointment request was accepted, wherein the warehouse keeps a list of appointments and times, column 8, lines 27-33, including an order consolidation function, wherein the system looks at a window delivery and asks if the loads can be consolidated, including multiple orders going to same customer or same destination area, column 9, lines 1-38).

Wojcik et al does not explicitly disclose providing an internet website application that is configured and enabled to allow each ship location to individually create, configure and maintain an appointment calendar that is unique to each ship location and to allow one or more Partners to contemporaneously access the internet website application and query the appointment calendar for a any ship location to determine available pick-up and delivery dock times for that ship location. Duncan discloses various parties transacting business over the Internet 113 are shown. The various parties include, for example, a first party 103, a second party 105, a third party 107, a fourth party 109, and an nth party 111. For example, first party 103 may be a buyer, second party 105 may be a seller, third party 107 may be a financial institution, fourth party 109 may be a shipper, and so on (column 6, lines 15-22), including connections to transportation systems to enhance the scheduling and tracking of products (column 4, lines 20-25). It would have been obvious to one of ordinary skill in the art to include providing an internet website application that is configured and

enabled to allow each ship location to individually create, configure and maintain an appointment calendar that is unique to each ship location; and one or more Partners contemporaneously accessing the internet website application and querying the appointment calendar for a any ship location to determine available pick-up and delivery dock times for that ship location in Wojcik et al, as seen in Duncan, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 2, neither Wojcik et al nor Duncan explicitly disclose wherein the appointment calendar for each ship location is created, configured, and managed in such a manner as to consider and incorporate the operating hours of the ship location and the number of dock doors in operation during those hours of operation, the peak and off-peak hours of the ship location for any reason, the duration of each dock time slot, any dock time slots set aside by the ship location for any reason and thereby unavailable to the one or more other Partners for requesting an appointment reservation, the lead-time required for requesting an appointment reservation of a dock time slot in the appointment calendar, and the appointment-making privileges of the one or more other Partners as specified by ship location Partner. However, Wojcik et al discloses the warehouse keeping a list of appointments and times, while tracking truck schedules, wherein an appointment is scheduled to come to the dock to pick up the product (column 8, lines 27-36). In addition, Duncan discloses connections to transportation systems to enhance the scheduling and tracking of products (column 4, lines 20-25). It would have been obvious to one of ordinary

skill in the art to include operating hours of the ship location and the number of dock doors in operation during those hours of operation, the peak and off-peak hours of the ship location for any reason, the duration of each dock time slot, any dock time slots set aside by the ship location for any reason and thereby unavailable to the one or more other Partners for requesting an appointment reservation, the lead-time required for requesting an appointment reservation of a dock time slot in the appointment calendar, the appointment reservation request auto-approval aging time, and the appointment-making privileges of the one or more other Partners as specified by ship location Partner, in Wojcik et al, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 3, neither Wojcik et al nor Duncan explicitly disclose the appointment-making privileges specified by each ship location include the privilege to request a pre-appointment, the privilege to request a repeating standing appointment, and the privilege to self-appoint appointments. However, Wojcik et al discloses the warehouse keeping a list of appointments and times, while tracking truck schedules, wherein an appointment is scheduled to come to the dock to pick up the product (column 8, lines 27-36). In addition, Duncan discloses connections to transportation systems to enhance the scheduling and tracking of products (column 4, lines 20-25). It would have been obvious to one of ordinary skill in the art to include the appointment-making privileges specified by the ship location Partner include the privilege to request a pre-appointment, the privilege to request a

repeating standing appointment, and the privilege to self-appoint appointments, in Wojcik et al, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 4, Wojcik et al disclose each ship location may elect to manually review and approve or decline the appointment reservation requests and to auto-accept the appointment reservation requests for any Partners that have not been granted self-appointing privileges by that ship location after the appointment request auto-approval aging time specified by the ship location has elapsed (i.e., warehouse keeping a list of appointments and times, while tracking truck schedules, wherein an appointment is scheduled to come to the dock to pick up the product, column 8, lines 27-36).

As per claim 5, Wojcik et al disclose a ship location is operated by a seller of buyer (i.e., warehouse owner, including seller of products, column 8, lines 30-33) or a third party service provider (i.e., warehouse owner, column 8, lines 30-33).

As per claim 7, Wojcik et al disclose at least one of the Partners is a carrier (i.e., ABC carrier, column 8, line 26).

As per claim 8, Wojcik et al disclose at least one of the Partners is a shipper (i.e., XYZ truck, column 8, lines 23-26).

As per claim 9, Wojcik et al disclose a Partner may query and view appointment information for any appointment reservation request and for any approved appointment reservation provided that the appointment reservation is relevant to that Partner (i.e.,

warehouse keeping a list of appointments and times, while tracking truck schedules, wherein an appointment is scheduled to come to the dock to pick up the product, column 8, lines 27-36) including the entirety of a multi-Partner multi-segment tour so as to facilitate Partner collaboration in the planning of the multi-Partner shipment (i.e., delivery process for managing inbound and outbound movement of goods, column 7, lines 41-43).

As per claim 10, Wojcik et al disclose the entirety of the multi- Partner multi-segment tour includes continuous move and multi-stop pick-up and delivery shipments (i.e., order consolidation, figure 13).

Claims 11-15 and 17-20 are rejected based upon the same rationale as the rejections of claims 1-5 and 7-10, respectively, since they are the system claims corresponding to the method claims.

Claim 21 is rejected based upon the same rationale as the rejections of claims 3-10, since it is the system claim corresponding to the method claims.

As per claims 22 and 23, neither Wojcik et al nor Duncan explicitly disclose the appointment calendar for each ship location is created, configured, and managed in such a manner as to consider and incorporate an appointment reservation request auto-approval aging time. However, Wojcik et al discloses the warehouse keeping a list of appointments and times, while tracking truck schedules, wherein an appointment is scheduled to come to the dock to pick up the product (column 8, lines 27-36). In addition, Duncan discloses connections to transportation systems to enhance the scheduling and tracking of products (column 4, lines 20-25). It would have been obvious to one of ordinary skill in the art to include an appointment reservation request auto-approval aging time, in Wojcik et al, since



the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claims 24 and 25, Wojcik et al disclose receiving from the one or more Partners appointment reservation requests for pick-up and/or delivery of aggregated truckload shipments at any of said one or more ship locations (i.e., orders sorted into truckloads based on ship date and priority, column 8, lines 16-26).

Claims 26-34 are rejected based upon the same rationale as the rejections of claims 1-5 and 7-10, respectively, since they are substantially similar method claims.

### ***Response to Arguments***

5. In the Remarks, Applicant argues neither Wojcik nor Duncan disclose systems that can accommodate the scheduling of aggregated shipments of multiple shippers. The Wojcik system, for example, is wholly designed for use by a single supplier to its customers, and so clearly has no provision for aggregated shipments from multiple shippers to their customers. The Examiner respectfully disagrees. Wojcik et al disclose an order consolidation function, wherein the system looks at a window delivery and asks if the loads can be consolidated, including multiple orders going to same customer or same destination area, column 9, lines 1-38, including a carrier selection process (figure 14).

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571)272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andre Boyce/  
Primary Examiner, Art Unit 3623  
March 13, 2011